

MINUTES

COUNCIL ON RECYCLING
SEPTEMBER 11, 2002
WHEDA BUILDING
201 W. WASHINGTON AVE
MADISON, WISCONSIN

Council Members Present: William Casey; Carol Kubly; Daniel Meyer; Catherine Onsager; John Reindl; Tracy Toltzman.

Council Members Absent: Jacqueline Moore Bowles.

Also attending: David Martens, Commerce; Cynthia Moore, DNR; Paul Morrison, DATCP; Joel Stone, DNR, Jason Swift, EPA, Region 5 (by teleconference).

Call To Order: The meeting was called to order by Chair Dan Meyer at 9:05 A. M.

Approval of Minutes of the July 10, 2002, Meeting: The Minutes for the last two meetings were approved.

Introduction and Announcements: The Council observed a moment of silence in honor of those who died in the September 11, 2001, terrorist attacks

Reports:

Report of the Chair: Meyer distributed articles on recycling.

C&D: John Reindl said that EPA has met with a group of industry and recycling organizations to discuss methods to promote drywall recycling. It will set up a web site with links to other sites to answer drywall questions.

Reindl said the Madison Area Builders' Association set up wood and corrugated cardboard for their Parade of Homes sites and recycled 10 tons of wood.

Reindl said DNR will convene a C&D group in October.

Reindl said that Dane County is building a Justice Center. They are going to require reuse/recycling by contract.

New Frontiers: Reindl said that the US Senate voted to unanimously ban sale of mercury fever thermometers. The bill also sets up a task force to look at long-term disposal. One problem is that there is more mercury recycled than there are uses for it anymore. Reindl said that there is only one product that is not phasing out the use of mercury. That is fluorescent light bulbs. However, there is still a tremendous amount of mercury in existing products that are still in use. He said that products have annually used nearly 100 times that amount of mercury emitted annually by power plants. Mercury can be combined with other chemicals to neutralize the mercury. DNR has been giving grants to communities for mercury collection. Reindl said that the highest priority for the Wisconsin County Solid Waste Management Association is to ban the landfilling of mercury. Meyer asked if Randy Case could come to the next meeting and give an update on mercury issues. Cynthia Moore, DNR, will follow up.

Updates:

Computer Task Force: Dan Fields, DNR, gave a review of the Task Force report. He said the Council created the Task Force (TF) to determine if there was a problem with recycling electronics. He said the TF decided to concentrate on televisions and computers, including computer peripherals, such as computer monitors, keyboards, printers, etc. Fields said that at least 20 other states have proposed legislation in this area. California is the first state to pass legislation. There is a bill on the Governor's desk that puts a \$10 fee at point of purchase for new monitors and televisions. One feature of the legislation is that, if you do not charge the fee

because, for example, you are an on-line retailer, you are not eligible to compete for government contracts. The money is collected by the state. A small part of the fee goes to the retailer and the rest goes to a special state fund. The legislation sets up two goals: a % to be diverted from landfills and a % to be recycled. The goals are phased in over several years. The legislators from Silicon Valley supported the legislation. Reindl said it is similar to the state's pesticide program. Members discussed whether the consumer would pay or if the companies would absorb the costs. Onsager said that many companies took back TV's for a fee for a competitive advantage.

Fields said that the TF found that communities that have programs because they are environmentally responsible or worried about future liability and are afraid that they will not be able to continue those programs due to budget considerations. Those communities feel they are carrying the whole burden and want some relief. Many of them feel the relief should come from the manufacturers accepting some responsibility for their products.

Fields said the TF found that the infrastructure seems to be in place. Companies said they could ramp up relatively easily and quickly. As part of the infrastructure discussion, Fields mentioned that the report has a note about the Bureau of Correctional Enterprise's (BCE) computer recycling program. He said that many participants in the TF felt that BCE was a competitor and offered a service that is free to the communities only because the state subsidizes the program. They felt very strongly that having BCE as a competitor kept the private companies from expanding and being more financially viable, thereby inhibiting infrastructure development. The competing view is that this is a huge area and there is plenty of work for all. It was also mentioned that some communities would not have any type of program without BCE because some communities could not afford to pay a private company. Fields said he wanted to mention the debate because it was an issue that arose during the process and has no obvious resolution.

Fields said that the TF found that the supply was a problem. Material is typically picked up at events (round-ups, clean sweeps, etc.) once or twice a year. Companies would prefer a steady, predictable stream. There are also areas of the state that do not have any program so there are gaps in the collection coverage.

The TF found that there are no regulatory barriers to recycling. The state has used its regulatory discretion to try to make computer recycling as simple as possible. While there are no significant regulatory barriers many members feel that a ban on landfilling computers would dramatically increase the recycling of computers.

The TF found that that community support appeared strong and recycling/solid waste professionals are supportive of collection efforts. However, many communities say they cannot take on the financial burden of collection and disposal of electronics.

The TF feels that tracking to the end-of-life of the products is important. The TF wanted to try to make sure that the products were dealt with in an environmentally sound manner.

The TF did not find a consensus on a funding mechanism. He said the TF felt that the communities could no longer continue to accept the full burden for recycling or disposing of electronics.

Fields said that the final meeting of the TF was not well attended. Manufacturers and retailers were invited but not represented. Part of the reason was that the TF was fact finding and proposing ideas for future efforts. Legislation was being debated in many states, such as California, so manufacturers and retailers may have decided that other states needed their immediate attention.

Fields said the TF did agree that a landfill and incineration ban should be passed. The ban would apply to everyone, including households. The TF felt that was the only fair and environmentally responsible way to approach the issue. The TF also wanted reporting requirements to make sure that the electronics were disposed of in an environmentally responsible way. The TF also wanted to work with the state's procurement agents to ensure that the state environmentally responsible disposal was part of the bid process. The TF also agreed to apply to the EPA for a study to get a secure grounding in the numbers involved. The extrapolated numbers indicate that the problem is significant but a study would give a clearer picture of what, where and how much material we have in Wisconsin. Meyer thought that the study should be first. Fields said that even though the TF put the study last, it would be done first. Reindl said that the legislature will not take this up until some time next year. Any study would probably be done

before the legislature takes up the issue. Moore agreed, saying that there is enough evidence to continue without the study but the study will give create a baseline to help measure results.

Jason Swift, EPA, gave an update on the National Electronics Product Stewardship Institute (NEPSI) activities. (Fields explained that NEPSI is sponsoring a national dialogue on product stewardship for electronics. The hope is that states, manufacturers, retailers, environmental groups and others will agree upon an approach for the handling of electronics. If successful, Fields expected the agreement to be sponsored as national legislation.) Swift said the meeting scheduled for mid September was postponed. They are negotiating behind the scenes. The manufacturers are saying they will internalize the cost of new products but don't want to deal with historic products. The states want all electronics dealt with by manufacturers in some way. EPA is optimistic that the negotiations will be successful but many others groups do not share EPA's optimism. Swift suggested that each state prepare their own infrastructure. Fields said that it is in the interest of manufacturers to have a national standard rather than have to deal with 50 different state statutes.

Tracy Toltzman asked if we expected better luck with this effort than with used oil filters. Meyer said that he has not given up on used oil filters. He will work on it for the new legislative session. Fields said that the electronics issue has a much higher profile. There is legislation in many states and legislation will probably be introduced with or without the Council's input. Moore said that the DNR is also interested in electronics recycling and expects it to be an issue for the next legislature. Meyer asked what would happen if a national model was passed. Fields replied that the TF said its recommendations should be modified to address any national action. He said that the report also recommends exploring a regional approach. Toltzman asked how other states are approaching this issue. Fields said it was all over the board. Massachusetts has a landfill ban. Minnesota proposed rates and dates that manufacturers would have to meet. North Carolina proposed an advance disposal fee (ADF). Moore also said that keeping the existing system is another option. She was not advocating the position but some people support using the recycling fund to pay for the system. Reindl said that the current system is a mix of all sorts of things, including disposal in landfills.

Kubly asked how a front-end fee would be administered. Reindl said that the state could collect the money and pay the haulers or create a third party organization (TPO) to do that. Onsager asked if we could do the same thing with computers that we do with white goods. It would be the simplest. Kubly agreed, saying this system is already in place. She said Waste Management gives people options on how they want to have their white goods picked up. She said that drop-off centers are not popular. Reindl said that companies could also offer this service as a competitive advantage. Onsager says many stores are offering that option for their customers. Fields said that this option was not forwarded because the TF felt that the consumers would have to pay the cost completely and the manufacturers were let off the hook. Many people object to paying back-end fees. Moore agreed, saying that sharing the burden was important. Again, this would put the burden on communities to develop the program. They have the liability and responsibility. She also thought that there was a difference between white goods because of the length of time you have white goods compared to the relatively quick obsolescent of computers. Kubly said that some communities did not want to be involved in the white goods collection since they are trying to bring their costs down. They leave that all to the private sector and rely on the fact that the material is banned from the landfill. Kubly also said that the cost could be quite high. She said her company cannot afford to pick up white goods for \$10 or \$15 a piece and electronics would be a similar cost. Cleanup events do not work well in large communities. Moore said that the communities represented on the TF did not suggest this option. Their message was 'Don't put the burden on us, we can't afford to do this.'

Meyer said we should see what we agree on. Toltzman suggested banning all CRT's from landfills after a date certain. Meyer asked how computers were banned now. Reindl said the state and federal regulations were written backwards. The generator must decide if a material is hazardous and dispose of it properly if they are a business. That's hard on small businessman. Since it is legal to dispose of it at home, many simply took it home disposed of it in the trash. The recycling law is much simpler. The material is just banned from disposal in landfills or incinerators. Meyer suggested that we leave recommendation #1 because we cannot agree on it at this time. Toltzman asked if we agree on #2, the ban. Onsager said a ban would not be surprise to anyone.

Meyer asked about the phase in language of 50% and 90%. Reindl said that was to encompass other electronics, such as cell phones, watches, etc. Kubly objected to the phase in language. Members agreed that the initial ban was all they would recommend. Reindl said we should not wait for the infrastructure to develop. We should just pick a date. Meyer agreed, saying we did it for appliances and we can do it here. Swift asked about illegal dumping. Members said they were not worried about it. Some dumping is going on now and will in the future but this would not add to the problem. Martens said people he talked to just wanted a date. Swift asked about education. Meyer said it will happen. Don't mandate it from the state. Onsager said we should consider point-of-sale requirements. Reindl disagreed, saying it didn't work for used oil. Fields asked for a date. Kubly suggested 3 years. Meyer did not want a date but said they should look at the appliance program as a model. That model worked. Reindl said the ban for appliances was set 2-3 years after passage of the recycling bill and that worked. Onsager said no one will be surprised by the ban. Meyer said a lot of people abhor a ban but, on the other hand, the appliance model works. Toltzman asked about the rest of the ban proposal. Reindl said he wanted the state to work with EPA Region V and other states for a regional approach to extended producer responsibility and that an enforcement plan should be prepared but those are things that simply should be done anyway and there's no point in mandating them. Members decided that the ban was all that they could agree to at this time.

Reindl asked what the reporting requirements were for hazardous waste. Kubly said that the requirements were for certification how you collect material, what type of equipment you will use and which disposal facility you will use. Internally, the company certifies the companies that they deal with. Moore said that DNR does not get any information about the volumes of hazardous waste processed in Wisconsin. That is a problem because, without the data, DNR has no way to determine if progress is being made. DNR does not get either generation figures or recycling/disposal figures. Moore said that part of the idea behind the data collection was to ensure that the material was being disposed of in an environmentally sound manner. Toltzman said that there are two things here: reporting and tracking. Toltzman said that the final disposition of the material was important. Reindl agreed but said that Wisconsin couldn't do that. Wisconsin cannot tell a company that they cannot export material simply because it came from Wisconsin. Meyer said there was too much administration in this proposal. The agencies will be cutting, not adding staff. Reindl said this language was too general. He asked DNR to come back with some specific guidelines for the next meeting. Bill Casey said he did not want to fill out paperwork that no one was ever going to look at anyway. He said he would send it to a licensed facility and leave it at that. Moore asked what the minimum should be. Casey replied that DNR should audit the companies that accept the material, not the communities that collect them. Reindl suggested that we use the fluorescent bulb report that processors fill out as a model to follow. Show how the materials are handled and the reporting requirements. Toltzman said we wanted to minimize the requirements to the greatest extent possible. Meyer asked for rules as simple and as easy as possible to follow. Reindl said they should be meaningful to show progress.

Meyer asked about procurement guidelines. Fields said the state already has requirements in many areas, such as recycled content, etc. That could be controversial but it would be pretty straightforward. Design for the environment is more complicated. Swift said that design included such features as reducing packaging, leasing requirements, and other actions to push manufacturers in this area. The next phase would be to reward those manufacturers that follow the guidelines. The federal government is also going this route. State and federal buying power is quite a powerful market force. Reindl said he liked this option. Requiring less toxic materials, more recycled content, less energy consumption and the like.

Meyer asked why the study was listed last, not first. Fields said that the order would be changed. Toltzman suggested that this recommendation is independent of any legislation. Members agreed. Reindl said the DNR should also discuss using the Recycling Fund to do this study. Meyer asked David Martens to investigate the possibility of RMDB funding of the study. Reindl said it would be like funding a marketing plan. Toltzman said that the first thing the Council would recommend was the study. That could stand alone as a project. Then the Council would recommend a ban. Standards, reporting and the rest would come after the ban.

Meyer said there are several unresolved issues and we should take this up at the next meeting. Members agreed.

Updates:

DNR Administrative Rules and Other Activities: Moore said that the Natural Resources Board (NRB) approved the rules package, with changes. The Efficiency Grants rule was changed because of public comment. The change eliminated the time limit in the first year of the grant. It does not affect subsequent years of the program. The Pilot Program was also changed. The change says that the pilot only needs to be in the municipal program. The business collection does not have to change to the pilot collection system. The rules are at the legislature for review. If there are no changes by the legislature, the program will be running by January with applications due in March. She said the DNR is now setting up an information plan to get the word out about the programs. The plan includes press releases, articles in newsletters and appearances at conferences.

Moore said the waste sort was going on at this time. She said that sorts will be done at 14 landfills this summer, fall and winter. The landfills are picked regionally and spread out over several months to get a true sampling. The sorts will be done by December with the results due by late March- early April. She said the schedule may change because one landfill is near Ladysmith and they may have to find a substitute because of the tornado. Moore said she has been surprised how smoothly the sorts are done.

Joel Stone, DNR, gave a presentation on the Franklin Study of recycling materials and rates. Stone said that Franklin also did a study for DNR in 1995 and an update in 1998. They revised their previous statistics to reflect what Franklin feels is better data, which, in effect, dropped the state's recycling rate from 36% to 34% for 1995. That drop was due primarily to food waste generation. Stone explained how the study is conducted. He said that Franklin starts with a national database. They then take the next best information, which is our RU data. Then they try to get the commercial data to fill out the database. It is not perfect but it the best information we have. Reindl said that it bothers him that we are collecting and using the data without all the caveats. He said it is sloppy work by Franklin. Making changes to 5 year-old data is poor technique. Stone said that Franklin is a benchmark nationally and is used by many other states and the EPA. We will stay with this data until we get better information. Stone said that MSW generation is up 12% since 1995 while recycling is at 10% since 1995. Stone said that appliance recycling jumped up from 1990 to 1995. He also said that Franklin does not include waste managed at home either as generated or recycled. Franklin does do some adjusting to account for some of the activity. He said that generation on non-banned materials is higher than that of banned materials. Generation of high-grade office paper is up. Generation of corrugated is up. Recycling and diversion has dropped slightly. Single family recycling has gone up while multi-family recycling has gone down slightly. Non-residential recovery has dropped 6%. That number is derived through extensive contact with brokers, haulers, MRF's, paper manufacturers etc. The good news is that RU's are holding their own but the bad news is that there appears to be problems with commercial recycling. Kubly asked if recovery was what was actually recycled, as opposed to what was picked up for recycling. Stone said he thought the former. Kubly said that she sees fewer problems with collection and contamination. Stone said that tonnage has increased. He said recycling and waste diversion seemed to have peaked in 1998. Reindl said that there appears to be 2 million tons missing. Stone said there is a difference between DNR data and Franklin data. Stone said that the definitions are different. Materials such as C&D, street sweepings and other materials are not accounted for by Franklin.

Stone said that the communication strategy includes using Franklin as a base and sharing the study with legislators, general public and partners. The reports will be on the web and fact sheets and other handouts will be made available. The plan is stay factual but emphasize successes and not try to draw big conclusions. The study will be used to guide overall evaluation of the program. We will have an article in the DNR newsletter, Recycling News, saying that residential recycling is strong but challenges are emerging. We will also be including an article on reviving their communications. We will develop a press release emphasizing success of residential recycling. We will promote the recycling guide for apartment owners and work with haulers to evaluate their communications. We will also discuss future changes in the program. We will discuss our decline in commercial recycling. We are concerned about that. Stone said he is hoping that the waste sort will give us a clearer picture of the accuracy of the Franklin numbers.

We will meet with haulers to see what can be done. We will emphasize that we have done a good job with residential recycling but we need to look more closely at commercial recycling. The law was set up with residential recycling in mind. All of the rewards are for residential. It did not emphasize commercial nor waste reduction. Kubly reminded Stone that the generators should to be included. The haulers will be happy to collect the material if it is separated correctly. Stone said that to address the increase in MSW generation we will follow a similar strategy and may use the myth of a 'paperless office' as an example. We have to emphasize the role of recycling and its impact on the economy. We need to address waste reduction in the future. We will try to incorporate this into our EMS later.

Reindl discussed problems he saw with the data. The generation of wood pallets increased 42% according to the study. The other major item is a 55% increase in food waste generation over a 5-year period. Reindl questioned whether those numbers are accurate. If the underlying data is questionable then the data should not be used. He said that the study says that non-banned waste is increasing but if the study is wrong you are going after the wrong problem. Reindl said he thought this study was way off. Tires was another area that was way off. Another question is in regards to yard waste. Franklin says that any material that is not taken to the municipality for processing, such as yard waste or individuals turning in their aluminum cans, is not counted. That gives you bad numbers. The study does not make sense. Reindl said we should not use this study. Meyer said we should not continue to buy information that is not accurate and not representative of Wisconsin from this company. Moore said this is an art, not a science. We think this is the best data we can get. We would not have any data without this study. This gives us trends and areas to concentrate. The RU data is often questionable but it is the best we have. Franklin did a lot of follow up and verification. Reindl says that national magazines, legislators and agency staff look at this data to base their conclusions and that is hurting the program because the data sets are not accurate. Casey said we should not release any data if we do not think it is accurate. Stone said we must release the information or people will think we are trying to hide something. We need to qualify the information but it must go out. Stone said that there are indicators that show us where we need to go. The waste sort should tell us how accurate the Franklin study is or is not. Stone said that he has questions about the data as well but it is the best we have. This gives us the trends. Stone said he wishes more people would look at the data and discuss it with us. Casey suggested that we hire a different firm in the future. Meyer said the Council has concerns and reservation with the results of the study. Moore said a study is necessary because they do not get enough information from their reports.

Public Comment: Paul Morrison, DATCP, talked about clean sweep programs. There are two different programs, an urban clean sweep and an Ag clean sweep. Both are grant programs. DNR has the urban program. The DNR provides funds to applicants but UW-Extension usually provides the technical assistance. DATCP has the Ag program and provides both the funding to local programs and the technical support. All the funding is from pesticide fees. Pesticides constitute about 40% of the material in Ag clean sweeps but only about 10% of the urban clean sweeps. The rest is paint products, solvents etc. from the urban and the Ag clean sweeps include industrial fluid and other fluids. The Ag sweeps are done at the county level. The sweeps cost \$15-40,000 and no county has done one without DATCP funding. The program costs about \$380,000/year for the Ag and \$150,000/year for the urban. The pesticide fees pay for the program.

Morrison explained that the pesticide, fertilizer and other fees are deposited in the Agrichemical Management (ACM) Fund. The fees generate about \$5M/year for DATCP programs and an additional \$1.3M is transferred to the Environmental Repair fund. DATCP program expenses, including Ag sweeps total about \$6M/year, including \$3.4M in salary/fringe, \$1.4M in laboratory costs, \$380,000 in Ag Sweeps and the balance in contracts, supplies and services. The balance is currently near zero. A legislative fix (taking funds from the DNR Environmental Repair fund or increasing fees) was proposed in the budget repair bill but not passed. They are holding positions open and trying other cost cutting but they are telling counties that they cannot promise to fund sweeps in the spring. The fund made a \$2M loan some years ago and that is being paid back but probably not fast enough to make a difference.

Morrison said the industry wants the funds to be dedicated to their program. The fees have generally doubled and in some cases tripled. The industry wants to maintain the ACM fund programs, including clean sweeps. DATCP sees two options available:

1. End Ag clean sweeps
2. Fund Ag clean sweeps using some other dollars, such as the recycling fund

Morrison explained that DATCP is also exploring merging the Ag and Urban components as part of the overall issue. DATCP had proposed retaining funds transferred to the Environmental Repair fund since they don't believe that the fund spends nearly as much related to agrichemical issues as the agrichemical industry is paying toward that fund. Morrison said they would not know with certainty if the spring sweeps funding would be available until late this fall. In response to questions, Morrison explained that current fees apply to pesticides of all types, including such things as Lysol, Clorox and Raid. Reindl suggested a landfill tipping fee as another funding option. He thinks that makes sense because many of the chemicals would end up in landfills if there were no sweeps.

Moore asked if the Council wanted to be on the DNR web site. The site would have the agenda, minutes and reports. Members expressed support. Reindl moved and Toltzman seconded that DNR be authorized to put Council information on the DNR web site. Motion carried.

Other Business:

The next Council meeting is Wednesday, November 13, 2002, at the Alliant Energy Center Exposition Hall, Madison. Meyer asked Fields to contact the private companies that had questions about BCE and ask them if they had any information for the Council. Council topics will include the Computers and Other Electronics Recycling Task Force report, used oil filter update, and an update on the Future of Solid Waste study.

Adjournment: Casey moved, Toltzman seconded. The Council adjourned at 12:35 P.M. Respectfully submitted by Daniel B. Fields, Department of Natural Resources.